

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-32477 - APPLICANT/OWNER: NINETY-FIVE FORT
APACHE COMPLEX, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning of a portion of 3.88 acres located on the northwest corner of Fort Apache Road and Horse Drive from R-E (Residence Estates) to C-2 (General Commercial). The western portion of the subject site is currently zoned C-2 (General Commercial), with the eastern portion of the subject site zoned R-E (Residence Estates). The applicant is requesting the entire site to be zoned C-2 (General Commercial).

In addition to this request, the applicant has submitted requests for a General Plan Amendment (GPA-32476) to amend a portion of the Centennial Hills Sector Plan of the General Plan from SC (Service Commercial) to GC (General Commercial) and Site Development Plan Review (SDR-32478) for a proposed 50,100 square-foot commercial development with a Waiver of the Building Placement and Orientation standard.

The intensity of uses permitted within the proposed zoning district are not compatible with the surrounding land uses and zoning districts; therefore, staff is recommending denial of this application and all associated applications. The proposed commercial development could be accomplished with the current General Plan designation of SC (Service Commercial) and the less intense zoning designation of C-1 (Limited Commercial), and would be compatible with surrounding land uses and zoning districts.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/06/91	The City Council approved a Reclassification of Property (Z-0072-90) located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road from: C-2 (General Commercial) and R-E (Residence Estates) to R-PD3 (Residential Planned Development – 3 Units per Acre), R-PD6 (Residential Planned Development – 6 Units per Acre), R-PD12 (Residential Planned Development – 12 Units per Acre), C-V (Civic), and C-1 (Limited Commercial) for proposed single-family dwellings, townhomes, elementary school, and a business park. The Planning Commission recommended denial.

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02/02/94	The City Council approved a request for Reclassification of Property (Z-0132-93) located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road from C-2 (General Commercial) and R-E (Residence Estates) to R-PD3 (Residential Planned Development – 3 Units per Acre), R-PD6 (Residential Planned Development – 6 Units per Acre), R-PD12 (Residential Planned Development – 12 Units per Acre) and C-1 (Limited Commercial) for proposed single-family dwellings, townhomes, plexes, and a business park. The Planning Commission recommended approval.
01/17/96	The City Council approved a request for an Extension of Time [Z-0132-93(1)] for Iron Mountain Ranch (Spring Mountain Ranch) for proposed single-family dwellings, townhouses, and a business park on property located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road. The Planning Commission recommended approval.
08/07/96	The City Council approved a request for an Extension of Time [Z-132-93(2)] of an approved request to Amend the Master Development Plan for the Iron Mountain Ranch (Z-0132-93) on 308.03 acres located on the east side of US-95 and south of Iron Mountain Road.
10/02/96	The City Council approved a request for a Plot Plan Review [Z-132-93(3)] for 308.4 acres located on the south side of Iron Mountain Road, east of Rancho Drive for a proposed 1,207-lot single-family development. The Planning Commission recommended approval.
02/05/97	The City Council approved a request for an Extension of Time [Z-132-93(4)] on property located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road for proposed single-family dwellings, townhouses, and a business park.
03/12/98	The City Council approved a request for a Site Development Plan Review [Z-132-93(5)] on 0.61 acres located on the south side of Horse Drive, east of Rancho Drive for a proposed development information center. The Planning Commission recommended approval.
09/10/98	The Planning Commission approved (final action) a request for a Site Development Plan Review [Z-132-93(6)] on property located on the northeast corner of Fort Apache Road and Horse Drive for a proposed construction management trailer.
05/24/99	The City Council approved the Centennial Hills Sector Map (GPA-0001-99) of the City of Las Vegas General Plan, which replaced the Northwest Sector Map.
02/02/00	The City Council approved a request for a Site Development Plan Review [Z-132-93(8)] on property located adjacent to the northeast corner of the intersection of Racel Street and Fort Apache Road for a 149-lot single-family residential development. The Planning Commission recommended approval.

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09/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the “Newly Developing Area” as described in the Plan.
11/15/01	The Planning Commission approved (final action) a request for a Review of Condition [Z-0132-93(9)] Condition #3 of an approved Site Development Plan Review [Z-0132-93(3)] to allow a 14-foot front yard setback for lots 1227, 1228, and 1230 where a 20-foot front yard setback is required on property generally located south of Iron Mountain Ranch Road, west of El Capitan Way.
02/19/03	The City Council adopted the Centennial Hills Interlocal Land Use Plan. On this map, the subject site was designated SC (Service Commercial).
09/01/04	The City Council approved a request for a General Plan Amendment (GPA-4634) to Amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan from SC (Service Commercial) to ML (Medium Low Density Residential) for a single-family development on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road. The Planning Commission and staff recommended denial. Approval was limited to the portion south of Horse Drive only, excluding the subject site.
09/01/04	The City Council approved a Rezoning (ZON-4640) from R-E (Residence Estates and C-2 (General Commercial) to R-PD6 (Residential Planned Development, 6 Units per Acre) on 17.83 acres located at the southwest corner of Horse Drive and Fort Apache Road. The Planning Commission and staff recommended denial. Approval was limited to the portion south of Horse Drive only, excluding the subject site.
09/01/04	The City Council approved a Site Development Plan Review (SDR-4641) for a 100-lot residential development on 17.83 acres located at the southwest corner of Horse Drive and Fort Apache Road. The Planning Commission and staff recommended denial. Approval was limited to 77 units on the portion south of Horse Drive only, excluding the subject site.
11/04/04	The Planning Commission approved a request (final action) for a Tentative map (TMP-4921) for a 100-lot single-family residential subdivision on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses associated with the subject site.	
<i>Pre-Application Meeting</i>	
11/18/08	A pre-application meeting was held where the submittal requirements for a Rezoning were discussed.

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<i>Neighborhood Meeting</i>	
01/07/09	<p>A neighborhood meeting was scheduled for January 7th at 6:00pm at the Centennial Hills YMCA located at 6601 North Buffalo Road for the associated General Plan Amendment (GPA-32476). One representative from the applicant, one member of the Department of Planning and Development, a Ward Six Liaison, and eight members of the public attended the meeting.</p> <p>Questions and comments were as follows:</p> <ul style="list-style-type: none"> • Concern about the uses that would be allowed under C-2 zoning. • Concern about traffic control at the intersection of Sky Pointe Drive and Horse Drive (it was indicated that a traffic light would be installed at the intersection). • Concern about the fact that the property is on a route that children use to walk to school. • One resident commented positively on the changes to the landscape plan, and stated that they want the landscaping to be consistent with landscaping in the neighborhood. • A resident stated that they didn't want supper clubs, off-site liquor, or gaming uses in the center; however, a restaurant with a beer/wine license may be acceptable. • A resident requested that the center be redesigned to Town Center standards so that the buildings would be located at the street front with the parking located behind the buildings. • The general consensus of the residents was that C-1 zoning (and the associated SC land use designation) would be acceptable, but that C-2 would be inappropriate. <p>The meeting began at 6:07 p.m. and concluded at 6:37 p.m.</p>

<i>Field Check</i>	
12/24/08	Staff performed a routine field check that revealed an undeveloped lot adjacent to single-family residences with limited landscaping along the Horse Drive street frontage.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.88

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land	SC (Service Commercial)	C-2 (General Commercial) & R-E (Residence Estates)
North	Undeveloped Land	TND (Traditional New Development)	T-D (Traditional Development)
South	Single-Family Residential	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development – 6 Units per Acre)
East	Undeveloped Land, Single-Family Residences	PCD (Planned Community Development)	R-E (Residence Estates)
West	US-95	ROW (Right-of Way)	ROW (Right-of Way)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Centennial Hills Sector Plan	X		Y
Northwest Open Space Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
Spring Mountain Ranch	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

•Site History

In 1994, the subject site, as well as property across Horse Drive to the south, was Rezoned (Z-0132-93) as part of a larger request from C-2 (General Commercial) and R-E (Residence Estates) zoning under Resolution of Intent to C-1 (Limited Commercial) zoning, with the intent to develop a Business Park on both sites. The Resolution of Intent expired after two years, and the subject site reverted to C-2 (General Commercial) and R-E (Residence Estates) zoning.

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In 2004, a General Plan Amendment (GPA-4634), Rezoning (ZON-4640) and a Site Development Plan Review (SDR-4641) were submitted for the subject site and the property across Horse Drive to the south, seeking to amend the General Plan designation from SC (Service Commercial) to ML (Medium Low Density Residential); change the zoning from C-2 (General Commercial) and R-E (Residence Estates) to R-PD6 (Residential Planned Development – 6 Units per Acre); and entitle a 100-lot residential subdivision, respectively. The applications were approved; however, the approval excluded the subject site, and applied only to the property across Horse Drive to the south for a 77-lot residential subdivision. The subject site was not included due to concerns regarding the future location of an interchange at Horse Drive.

●Application

The subject property is located within the Centennial Hills Sector Plan of the General Plan. The proposed General Plan Amendment (GPA-32476), if approved, would allow a GC (General Commercial) land use designation. The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

This is a request to Rezone a portion of the subject property from R-E (Residence Estates) to C-2 (General Commercial). Currently, the eastern portion of the subject site is zoned R-E (Residence Estates) with the western portion of the subject site zoned C-2 (General Commercial). The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan.

●Conclusion

Staff has noted that the surrounding land uses include R-PD6 (Residential Planned Development – 6 Units per Acre) zoned properties to the south and east, and TD (Traditional Development) zoned properties to the north, with the greater surrounding area also consisting of existing parcels zoned R-PD6 (Residential Planned Development – 6 Units per Acre). The proposed commercial development could be accomplished with the current General Plan designation of SC (Service Commercial) and the less intense zoning designation of C-1 (Limited Commercial), and would be compatible with surrounding land uses and zoning districts.

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Staff also finds that this proposed Rezoning to C-2 (General Commercial) meets the Title 19.20.020 definition of Spot Zoning, which is, “Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.” The applicant’s proposal for a Rezoning to the C-2 (General Commercial) zoning district can not be accomplished without resulting in the subject parcel being zoned in isolation from the existing adjacent R-PD6 (Residential Planned Development – 6 Units per Acre) zoned properties to the south and east, and TD (Traditional Development) [TND (Traditional Neighborhood Development) General Plan designation] properties to the north. Unlike the GC (General Commercial) category, the SC (Service Commercial) category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons. The GC (General Commercial) category is not considered compatible with adjoining residential areas without significant transition, such as the SC (Service Commercial) category. Due to the incompatibility of the proposed Rezoning and associated General Plan Amendment with the existing surrounding land uses and zoning districts, staff recommends denial of this application and all associated applications.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

If the proposed General Plan Amendment to GC (General Commercial) is approved, the requested zoning district of C-2 (General Commercial) would conform to the General Plan. However, the proposed request fails to comply with the General Plan as the applicant is proposing to intensify the land use designation creating an incompatibility with the existing surrounding residential land uses; therefore, staff recommends denial of this request and the affiliated companion items.

2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”

Although the requested C-2 (General Commercial) zoning district is the appropriate zoning district for the requested GC (General Commercial) land use designation, this commercial district is incompatible with the existing surrounding R-PD6 (Residential Planned Development – 6 Units per Acre) zoned properties the south and east of the subject property. The uses permitted by the proposed Rezoning will be much more intense than the existing and planned surrounding land uses.

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3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Growth and development factors in the community do not indicate the need or appropriateness of the proposed rezoning. The subject property is adjacent to existing single-family residences and a park. Due to the close proximity of the subject property to residentially zoned property without a proper buffer to ease the transition from medium to low density residential to an intense commercial use, staff finds this request to be inappropriate.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Adequate access to the site is provided for by Fort Apache Road and Horse Drive, both designated 80-foot Secondary Collector Streets by the Master Plan of Streets and Highways.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 654

APPROVALS 4

PROTESTS 1